

Message Text

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10
ORIGIN L-02

INFO OCT-01 NEA-06 ISO-00 EB-07 OPIC-03 AID-05 OMB-01 SP-02

TRSE-00 RSC-01 IGA-01 /029 R

DRAFTED BY L/NEA:BKHUFFMAN:DSC
APPROVED BY EB/IFD/OIA:RJSMTIH
OPIC/GC;CCOLE
EB/IFD/OIA:DHSTEBBING
L/T:MMCQUADE
NEA/PAB:DBLAKEMORE
L/EB:SBOND

----- 100382

R 060144Z DEC 74
FM SECSTATE WASHDC
TO AMEMBASSY DACCA

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E.O. 11652: N/A
TAGS: EINV, BG
SUBJECT: OPIC AGREEMENT

REF: A. DACCA 5412, B. STATE 252966

1. FORMULATION SUGGESTED PARA 2 REFTEL ON SQUIBB IS ACCEPT-
ABLE.

2. WE DO NOT WISH TO CONCLUDE AGREEMENT WITHOUT DEALING
WITH BELBAGCO PROBLEM SINCE PROSPECT OF AGREEMENT MAY
PROVIDE ONLY LEVERAGE FOR RESOLVING THIS DISPUTE. WE DESIRE
TO SOLVE PROBLEM WHILE ACCOMMODATING BDG'S SENSITIVITIES
REGARDING PRIOR AGREEMENTS WITH PAKISTAN. SINCE BDG
APPEARS WILLING TO ASSURE OPIC OF RIGHTS OF SUBROGATION AND
EMBASSY LOCAL CURRENCY USE, STUMBLING BLOCK APPEARS TO
BE ARBITRATION PROVISION WHICH WE BELIEVE COULD BE OF

SUBSTANTIAL PRACTICAL VALUE TO BOTH USG AND BDG AS MECHAN-
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ISM FOR RESOLVING ANY FUTURE USG-BDG DISPUTE OVER ADEQUACY

OF COMPENSATION OFFER.

3. ARBITRATION PROVISION COULD TAKE SEVERAL FORMS NONE OF WHICH NEED IMPLY BDG ACCEPTANCE OF AGREEMENTS WITH PAKISTAN, E.G. BY REFERENCE IN SIDE LETTER TO NEW AGREEMENT AS PROPOSED REF B, OR BY ENTIRELY SEPARATE FORMULATION OF ARBITRATION PROVISION IN ANOTHER SIDE INSTRUMENT. IN SHORT, WE WOULD BE WILLING TO ACCEPT ANY FORM OF ARBITRA-

TION PROVISION WHICH SATISFIES BDG DESIRE TO AVOID IMPLICATION OF ACCEPTANCE OF AGREEMENTS WITH PAKISTAN.

4. REQUEST EMBASSY DISCUSS FOREGOING WITH BDG AND SUGGEST IT PROPOSE ARBITRATION FORMULATION WHICH WOULD SATISFY ITS PREOCCUPATION ABOUT PRIOR AGREEMENTS WITH PAKISTAN. KISSINGER

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